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**From:** Davis, Kable [Davis.Kable@epa.gov]  
**Sent:** 11/15/2019 11:35:17 AM  
**To:** Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]  
**CC:** Goodis, Michael [Goodis.Michael@epa.gov]  
**Subject:** Re: Emergency Response Team Responses to the Questions about 24(c) SLN Registrations

Thanks for the email, Dan. Great suggestions. I work with the team to find out more information about the submitted SLNs. I'll also work with Claire on developing a new way to track these. She's great at this type of project.

Sent from my iPhone

On Nov 14, 2019, at 12:00 PM, Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov> wrote:

Bo – the team did amazing to pull this together so fast. And I think this is a very helpful start.

I think it makes sense to continue to refine it and put together a more definitive picture. But talk to Mike about what's feasible.

A few points that I could see us drilling into would be: how many of the dicamba SLNs are actually restrictions? (For instance TX definitely made the use 'bigger' by expanding their season, similarly didn't GA add hooded sprayers. And there might be others like that. Next – I think it'd be good to review the NY State cases in a similar way since the assumption is they are all restrictions.

Another suggestion in terms of next steps would be to generate a 'going forward' type of tracking that will enable us to better understand this for 2020 and beyond. Could the OPPIN records be enhanced to support this analysis for the future? Or is there a separate system we'd need to go with?

Let's discuss and thanks, Dan

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**From:** Goodis, Michael <Goodis.Michael@epa.gov>  
**Sent:** Thursday, November 14, 2019 9:16 AM  
**To:** Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Miller, Wynne <Miller.Wynne@epa.gov>  
**Cc:** Davis, Donna <Davis.Donna@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>  
**Subject:** FW: Emergency Response Team Responses to the Questions about 24(c) SLN Registrations

Some information developed by the team to respond to the questions is provided below.

Michael L. Goodis, P.E.  
Director, Registration Division (RD)  
Office of Pesticide Programs (OPP)

Phone 703-308-8157  
Room S7623

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**From:** Fitz, Nancy <Fitz.Nancy@epa.gov>  
**Sent:** Wednesday, November 13, 2019 1:46 PM  
**To:** Goodis, Michael <Goodis.Michael@epa.gov>; Davis, Donna <Davis.Donna@epa.gov>; Rosenblatt,

Daniel <Rosenblatt.Dan@epa.gov>

Cc: Conrath, Andrea B <Conrath.Andrea@epa.gov>; Cain, Tamica <Cain.Tamica@epa.gov>; Groce, Stacey <Groce.Stacey@epa.gov>; Paisley-Jones, Claire <Paisley-Jones.Claire@epa.gov>; Davis, Kable <Davis.Kable@epa.gov>

**Subject:** Emergency Response Team Responses to the Questions about 24(c) SLN Registrations

Mike, Donna and Dan,

Here is information that responds to the 24(c) questions that we discussed yesterday. Please let us know if you have questions or want more information or clarification about anything. We focused on the first, fourth and fifth questions as we discussed yesterday. Many thanks to Andrea, Tamica and Stacey, who worked on these!

**Question 1: How many correct (for SLN) 24(c)s in recent years by year versus how many incorrect (narrowing type) 24(c)s over same time.**

Andrea re-ran the OPPIN searches for the past 5 years to firm up the numbers. See the table below.

- This table shows the results of searching OPPIN for new SLNs registered the past five years. This does not include amendments to existing SLNs. (This may explain the discrepancy between the totals in this table and the estimate of 300 SLNs per year that is on the web site.)
- The average over the past 5 years is 150 new SLNs per year.
- We assumed that the SLNs for dicamba products and the SLNs issued by New York were more restrictive than the Section 3 labels. New York is the only state that has consistently submitted SLNs that have been more restrictive. We would need to look at every individual SLN to confirm that the New York SLNs are more restrictive and to see if there are any others that are more restrictive.
- The back of the envelope estimate that 10-15% of the SLNs are more restrictive that we provided you on Friday considered only the past three years and was done quickly. That was an accurate estimate of 2017 and 2018.
- The trend shown in the table may be more instructive than focusing only on averages.

SLNs (24(c)s)	2019		2018		2017		2016		2015	
	%	No.	%	No.	%	No.	%	No.	%	No.
Total		158		149		201		81		159
NY	5%	8	5%	8	3%	7	4%	3	2%	3
Dicamba	20%	31	11%	16	8%	16	0%	0	0%	0
Total more restrictive	25%	39	16%	24	11%	23	4%	3	2%	3

**Question 4: What will we do with a 24(c) that is to narrow the federal label? Will we deny one? Will we counsel states about the differences?**

## Ex. 5 Deliberative Process (DP)

## **Ex. 5 Deliberative Process (DP)**

Question 5: To that end, how many states have used 24(a) correctly and passed legislation, for what? Do they do it chemical specific or is it to give the Sec. of Ag. In the state some sort of broad authority to do what he/she needs to do?

## **Ex. 5 Deliberative Process (DP)**

# Ex. 5 Deliberative Process (DP)

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**From:** Rosenblatt, Daniel <[Rosenblatt.Dan@epa.gov](mailto:Rosenblatt.Dan@epa.gov)>  
**Sent:** Tuesday, November 12, 2019 10:34 AM  
**To:** Fitz, Nancy <[Fitz.Nancy@epa.gov](mailto:Fitz.Nancy@epa.gov)>; Paisley-Jones, Claire <[Paisley-Jones.Claire@epa.gov](mailto:Paisley-Jones.Claire@epa.gov)>  
**Cc:** Davis, Kable <[Davis.Kable@epa.gov](mailto:Davis.Kable@epa.gov)>  
**Subject:** FW: Heads Up: 24(c)

This goes with the meeting for later – please forward to the team

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**From:** Keigwin, Richard <[Keigwin.Richard@epa.gov](mailto:Keigwin.Richard@epa.gov)>  
**Sent:** Monday, November 11, 2019 4:26 PM  
**To:** Goodis, Michael <[Goodis.Michael@epa.gov](mailto:Goodis.Michael@epa.gov)>; Rosenblatt, Daniel <[Rosenblatt.Dan@epa.gov](mailto:Rosenblatt.Dan@epa.gov)>; Davis, Donna <[Davis.Donna@epa.gov](mailto:Davis.Donna@epa.gov)>  
**Cc:** Messina, Edward <[Messina.Edward@epa.gov](mailto:Messina.Edward@epa.gov)>; Layne, Arnold <[Layne.Arnold@epa.gov](mailto:Layne.Arnold@epa.gov)>; Miller, Wynne <[Miller.Wynne@epa.gov](mailto:Miller.Wynne@epa.gov)>; Dinkins, Darlene <[Dinkins.Darlene@epa.gov](mailto:Dinkins.Darlene@epa.gov)>  
**Subject:** Fwd: Heads Up: 24(c)

Let's find some time this week to discuss an approach to addressing this request.

Rick Keigwin

Director, Office of Pesticide Programs  
U.S. Environmental Protection Agency  
Phone: 703-305-7090  
Website: [www.epa.gov/pesticides](http://www.epa.gov/pesticides)  
Sent from my iPhone

Begin forwarded message:

**From:** "Dunn, Alexandra" <[dunn.alexandra@epa.gov](mailto:dunn.alexandra@epa.gov)>  
**Date:** November 11, 2019 at 2:23:07 PM EST  
**To:** "Keigwin, Richard" <[Keigwin.Richard@epa.gov](mailto:Keigwin.Richard@epa.gov)>, "Bennett, Tate" <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Cc:** "Tyler, Tom" <[Tyler.Tom@epa.gov](mailto:Tyler.Tom@epa.gov)>, "Keller, Kaitlin" <[keller.kaitlin@epa.gov](mailto:keller.kaitlin@epa.gov)>, "Bolen, Derrick" <[bolen.derrick@epa.gov](mailto:bolen.derrick@epa.gov)>  
**Subject:** RE: Heads Up: 24(c)

INTERNAL DELIBERATIVE

As for data:

How many correct (for SLN) 24(c)s in recent years by year versus how many incorrect (narrowing type) 24(c)s over same time.

What is the chronology of how this arose – ie, did we raise it on our own, did the state raise it, did the registrants raise it, how long has this issue been percolating?

What do we recommend putting on the website re the 2020 growing season given that it is unlikely we will have a document ready to go before SFREIG.

What will we do with a 24(c) that is to narrow the federal label? Will we deny one? Will we counsel states about the differences?

To that end, how many states have used 24(a) correctly and passed legislation, for what? Do they do it chemical specific or is it to give the Sec. of Ag. In the state some sort of broad authority to do what he/she needs to do?

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**From:** Keigwin, Richard <[Keigwin.Richard@epa.gov](mailto:Keigwin.Richard@epa.gov)>  
**Sent:** Friday, November 8, 2019 11:29 AM  
**To:** Dunn, Alexandra <[dunn.alexandra@epa.gov](mailto:dunn.alexandra@epa.gov)>; Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Cc:** Tyler, Tom <[Tyler.Tom@epa.gov](mailto:Tyler.Tom@epa.gov)>; Keller, Kaitlin <[keller.kaitlin@epa.gov](mailto:keller.kaitlin@epa.gov)>; Bolen, Derrick <[bolen.derrick@epa.gov](mailto:bolen.derrick@epa.gov)>  
**Subject:** RE: Heads Up: 24(c)

OK. Let us know what data we need to gather. I know you will be out part of next week, but if you'd like to give me a call, I'd be happy to chat.

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**From:** Dunn, Alexandra <[dunn.alexandra@epa.gov](mailto:dunn.alexandra@epa.gov)>  
**Sent:** Thursday, November 07, 2019 12:43 PM  
**To:** Keigwin, Richard <[Keigwin.Richard@epa.gov](mailto:Keigwin.Richard@epa.gov)>; Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Cc:** Tyler, Tom <[Tyler.Tom@epa.gov](mailto:Tyler.Tom@epa.gov)>; Keller, Kaitlin <[keller.kaitlin@epa.gov](mailto:keller.kaitlin@epa.gov)>; Bolen,

Derrick <[bolen.derrick@epa.gov](mailto:bolen.derrick@epa.gov)>

**Subject:** Re: Heads Up: 24(c)

We need to talk about next steps we need some more data this is not going to move quickly. We do need to make a statement about 2020.

Alexandra Dapolito Dunn, Esq.  
Assistant Administrator  
Office of Chemical Safety & Pollution Prevention  
U.S. Environmental Protection Agency  
Washington, DC

Sent from my iPhone

On Nov 7, 2019, at 9:30 AM, Keigwin, Richard  
<[Keigwin.Richard@epa.gov](mailto:Keigwin.Richard@epa.gov)> wrote:

Internal and Deliberative  
Not for Public Release

I'm hearing that OGC may have some additional comments on the 24(c) notice, based upon a discussion that PTSLO had with the OGC Front Office in preparation for this morning's discussion with the Administrator.

**Ex. 5 Deliberative Process (DP)**

## **Ex. 5 Deliberative Process (DP)**

Rick Keigwin  
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